

## REMARKS/ARGUMENTS

### Status Of The Claims

This is an Amendment and Reply to the Office Action mailed May 9, 2008, in which the following rejections were set forth: Claims 1-3, 5-9, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ott*, in view of EP Patent No. 1,172,252 to Baumann (“*Baumann*”), and further in view of U.S. Patent No. 5,289,947 to Akeel (“*Akeel*”); Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ott*, in view of *Baumann* and *Akeel*, and further in view of *Kendal*; Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ott* in view of *Baumann* and *Akeel*, and further in view of U.S. Patent No. 4,962,724 to Prus (“*Prus*”); and, Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ott* in view of *Baumann* and *Akeel*, and further in view of U.S. Patent No. 2,784,350 to Sedslacsik (“*Sedslacsik*”).

By this response, no Claims have been amended or cancelled, and no new claims have been added. As such, Claims 1-12 are pending in this application.

### § 103(a) Claim Rejections

When applying 35 U.S.C. § 103, an examiner must first make several factual inquiries. These inquiries include, among other things: 1) determining the scope and content of the prior art; 2) ascertaining the differences between the claimed invention and the prior art; and, 3) resolving the level of ordinary skill in the pertinent art. *MPEP* § 2141. “Once these findings of fact are articulated, Office personnel must provide an explanation (rationale) to support an obviousness rejection under 35 U.S.C. § 103.” *MPEP* § 2141(II). “The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” *MPEP* § 2141(III). “A rationale to support a conclusion that a claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art.” *MPEP* § 2143.02. Furthermore, in a proper rejection under 35 U.S.C. § 103, all claim limitations must be taught or suggested by the prior art. *MPEP* § 2143.03. And finally, all of the words in a claim, not just some of the words,

must be considered when judging the patentability of a claim against the prior art. *MPEP* § 2143.03.

*Ott*

*Ott* discloses a method wherein a paint volume is conveyed between two pigs 18, 19 within a paint line 2. The pigs 18, 19 are propelled either by compressed air or by an isolating liquid 41. The paint device as disclosed by *Ott* comprises two similarly constructed paint lines 2 and 2'. While *Ott* reveals an automatic color changer 8, 8' by which the space between the pigs 18, 19 may be filled with several paints, *Ott* does not describe how to clean the paint lines 2, 2' or how to discharge residual paint remaining between the two pigs when the paint process has been completed.

As such, *Ott* fails to disclose, at least: the pig line being cleaned on the return path of the pigs from the second to the first pig station by means of a give quantity of cleaning age that is conveyed by at least one pig; the cleaning agent being transported between the two pigs on return from the second pig station to the first pig station; and, the residual paint remaining between the two pigs after completion of the painting process being disposed via the second pig station. Thus, and as admitted in the Office Action, *Ott* fails to disclose each and every feature of Applicant's amended Claim 1.

*Baumann*

*Baumann* discloses a paint application device comprising a pair of conveying circles, i.e., a first conveying circle A and a second conveying circle B. Because both conveying circles A and B are similarly operated, Applicant believes that a discussion of either one also pertains to the other. Conveying circle A comprises a first pig station MS2A and a second pig station MS1A. The first pig station MS2A is connectable to the paint source and the second pig station MS1A is connectable to an atomizer Z. Paint is conveyed by two pigs M1A and M2A between the first pig station MS2A and the second pig station MS1A.

Note that the pig station MS1A is mentioned as first pig station in *Baumann* but corresponds to the second pig station according to current Claim 1. Accordingly, the pig station MS2A is mentioned as second pig station in *Baumann* but corresponds to the first pig station according to current Claim 1.

The Examiner assesses that paragraph [0030] of *Baumann* teaches to convey a cleaning agent between the pigs M1A and M2A. Therefore, it would have been obvious for a person skilled in the art to transfer this technique to the device as known by *Ott*. Pigs M1A and M2A are however a tandem arrangement of two pig elements. The cleaning agent is conveyed between the first and the second pig element of each tandem pig M1A, M2A, only. This principle has nothing in common with conveying a cleaning agent between two pigs which define a “paint packet” during conveying the paint.

In particular, *Baumann* fails to disclose that the cleaning agent is transported between the two pigs M1A and M2A on return from the second pig station MS1A, which is connected to the atomizer Z, to the first pig station MS2A which is connected to the paint source. In contrast, on return of the two pigs M1A and M2A, the space there between is filled with a paint reserve quantity (see paragraph [0024] of *Baumann*).

*Akeel*

*Akeel* discloses a color change apparatus that is arranged within a paint line as well as a method for cleaning of that paint line by using a pig. The embodiment according to Fig. 3 of *Akeel* is particularly relevant in the present case.

In this embodiment, paint is applied via a spray gun 140 that is connected to a color change apparatus 112 to 116 via a paint line 126, 138. A pig station 200 is associated to a paint source. A respective single pig is designated by references numbers 204, 206, and 215, respectively, and is conveyed through the paint line portion 138, starting from the pig station 200. Each single pig pushes paint in the direction of the spray gun 140 and is discharged from the paint line 126, 138 by an ejector assembly 212 located in close proximity to the spray gun 140 into a pig collection container 146.

According to *Akeel*, column 6, lines 11-13, excess paint and cleaning solvent is diverted and disposed from paint line portion 138 into a collection tank 146 via a dump valve 142. *Akeel* therefore fails to convey paint in the form of a paint packet between two pigs. Even if a person of ordinary skill in the art would understand the ejection assembly 212 as a second pig station which is, according to current Claim 1 of the present application, connectable to the spray gun 140: the paint not disposed via the ejection assembly 212 via an additional assembly (dump valve 142).

In case a person of ordinary skill in the art would transfer the teaching of *Akeel* to the teaching of *Ott*, a corresponding valve unit would be inserted downstream to the pig station MS1A of *Ott*, only. *Akeel* however does not suggest to dispose excess paint via the atomizer Z connected pig station MS1A of *Ott*.

In summary, a combination of *Ott*, *Baumann*, and *Akeel* fails to suggest to a person of ordinary skill in the art the subject matter of the claimed invention. That is, at least one element of the Applicant's amended Claim 1 would not be disclosed by such a combination; namely, upon return from the second pig station to the first pig station, the cleaning agent being transported between the two pigs, wherein the residual paint remaining between the two pigs when the painting process has been completed is disposed via the second pig station.

Because the relied upon cited prior art, alone or in combination, fails to disclose, teach, or suggest each and every element of Applicant's amended Claim 1—as well as Claims 2-12 which are ultimately dependent thereon—Applicant respectfully submits all pending claims are in condition for allowance and requests the rejections to all pending claims be withdrawn.

### CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests that all rejections be removed and all pending claims be passed to issue. If any fees are required with this communication, Applicant authorizes the Commissioner to deduct such fees from Deposit Account No. 50-0545.

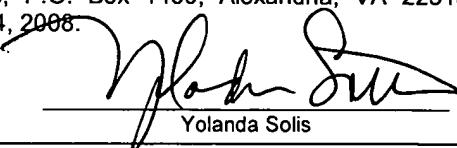
Respectfully Submitted,

Dated: June 24, 2008

  
Joseph M. Kinsella Jr.  
Reg. No. 45,743  
One of the Attorneys for the Applicants

#### CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop - AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 24, 2008.

  
Yolanda Solis